1888-89
(L.R.)

File No. 51 - 88.
Serial No. 1-7

Sub: Dispute regarding a vacan
site in Agra village
in Bangalore Taluk

(1b)

P 7.3-98

G. R. S. IX-5]

Previous references. (1888-89)

~~191~~ .

File No. 51-88

Serial Nos. 1-7.

Later references. (L.R.)

L.R. 145-95

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-7.

In ~~Part~~ B for September 89

SUBJECT.

Dispute regarding a Vacant Site in ~~the~~ Agra Village in Bangalore Taluk —

Contonment

W D 1250—GPB—30,000 - 28-1-19

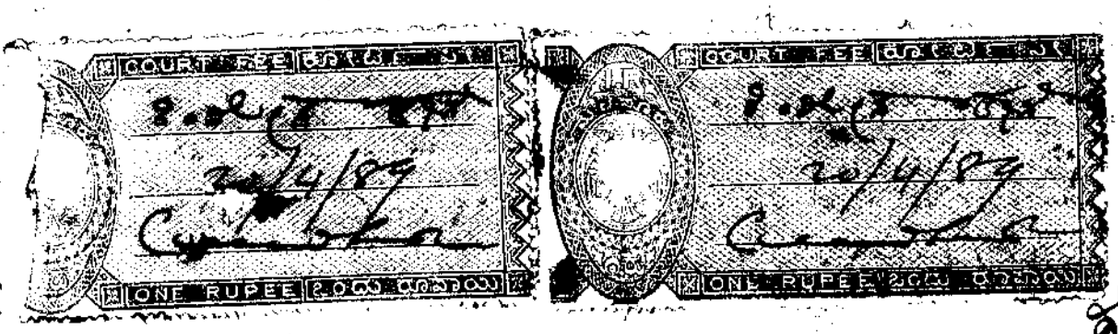
Appeal 4.

Appellant.
Timmai Gowda

The appellant in this case is the Patel of Agara Village, Kengeri Hobli of Bangalore Tk. He was accused of having unauthorizedly felled a tree that stood on a Sircar land and of having feloniously removed certain stone pillars of a Government Mantap. The Asstt of Bangalore held an Enquiry on the revenue side and submitted the Proceedings to the Dy Comr, who, by an order dated 2 Feby/89, fined the appellant in the

sum of Rs 25 and further directed him to pay Rs 5 as the value of the tree and stones removed. Against this order the present appeal has been preferred.

The order of the D/C/ is very brief - It simply states that the Appellant is to blame and is therefore fined. Where, as in this case, a responsible Village Officer like the Patel is accused of the very serious offence of theft or misappropriation of Govt property, it is necessary, for the ends of justice, that the accused should be prosecuted criminally before the proper tribunal; but, instead of adopting such a course, the matter was dealt with summarily under in a miscellaneous revenue



Inward 208.
7/7/89

Read 29.4.89

To

His Excellency the Dewan & His Highness
the Maharajah of Mysore.

L. R. 582/

The Humble Petition of Thimmai Gowda

Respectfully sheweth:

1. That the Petitioner is Patail of Agra
Kengary Hobly Bangalore Taluq and he holds lan
in the said Taluq paying Cundayam to the Go
to the extent of Rs 37.

2. That one Karai Thimmai Gowda who is n
bitter enemity with the Petitioner is the Patail of
Thatha Goony, a hamlet of Agara, Kengary Hobly

3. That the said Karai Thimma in con
quence of the said between him and the Petit
has set up several false cases against him an
the intention of ruining him and is still do

So

4. That the said Karai Thimmai Gowd
set up Hoocha and Veera to charge the Petit
with extortion and bribery. That there af
Enquiry found to be false and the Petitione

7

Petitioner was acquitted as will appear from the copy of the judgment herein filed (Criminal No 29 of 88 on the file of the District Magistrate Bangalore Criminal No 62 of 87 on the file of the District Magistrate Bangalore.

5 That the said Narai Thimmaiah Gowda finding that he failed in these attempts presented a petition dated 10th June 88 to the Bangalore Taluq Amildar to the effect that the Petitioner a year ago cut some Govt trees and used them and also removed some stones lying at the village entrance and built a stone Thuntafarm with these stones. That the Amildar referred the said complaint to the Taluq Sheristadar who held an enquiry.

6 That the witnesses that were cited and examined by him in support of the said charge were persons who were under his influence and whom the said complainant & other witnesses in Civil & Criminal Courts against the Petitioner as will be seen from the records of the case.

7 That the complainant Subbaiah the long delay in reporting of the said alleged

Occurance, the faction in the village the said between the parties, the contradictory statement of the witnesses and the appearance of the prosecution witnesses either as Complainants witnesses in Civil & Criminal Courts against the Petitioner will clearly shew that the said case is a false one and is the result of bitter enmity between the parties, also that the witnesses for the prosecution are unworthy of being credited.

8 That the Petitioner has satisfactorily proved that the hunting Lam referred to was built during the late famine long before the alleged removal of the stones by the Petitioner. That the report of the Shanbhag submitted to the Bangalore Taluq Chundoo will also support the Petitioners contention. That the Shanbhag was not examined though the Petitioner insisted upon the evidence being taken.

9 That the Bangalore Taluq Chundoo forwarded the depositions of the witnesses taken by the Taluq Shenistadar to the Deputy Commissioner of Bangalore -

9

Appeal no 208
24th April 1889

Appellant
Summa Gowda
Patail of Agra Kengary
Hobly Bangalore Taluq

This is an appeal against the order of the Dy Commr fining the appellant-in a sum of Rs 25 for cutting trees & removing stones belonging to Govt.

dated 10 Dec 1888

The value of the trees cut & stones removed is Rs 5 which also the Appellant was ordered to pay.—

The stones are stated to have been removed 2 years previous to the date of complaint, & the trees cut some six or seven months before that date.

The Dy Commrs decision was passed on 7th Feby 1889. The case was gone into & the evidence fully

7

Give notice to Appellant of
Hearing 27 June
1889 Tuesday
LL
27/5/89

adjourned at the
request of the appellant's
counsel to 4th July 1889
LL
27/6/89

No. 65-

Mysore Dewan's Office,

PETITION DEPARTMENT.

Official Memorandum.

The accompanying Petition No. 208, dated 24th April 1889 received at the Dewan's Office from Mr. Subbaraya Iyengar Advocate for Simon Gowda, Patel of Jetpur, Bangalore Taluk is forwarded, together with its four enclosures, to the Deputy Commissioner, Bangalore District, for disposal of Proceedings.

BANGALORE,
7 May 1889

By Order,
Secretary.

Mysore Government Press, Bangalore.—11-8-88.—1,000.

Reference
20/5

Lr. 5th. 88-2

To be laid before Commissioners 23/5

(Serial No. 29.)

OFFICE OF THE DEWAN OF MYSORE. 1168 20 MAY 89 105

1884-90

The Deputy Commissioner

To Bangalore District.

The Chief Secretary to the ~~Dewan~~ Govt. of Mysore.

LR 57-88

823

Dated 18th May 1889.

Despatched

Received

Enclosures No. 3 files

General No.

No. 107.

Chief Secretary's office Memo No. 65 dated 7th Instant calling for the Proceedings connected with the Complaint of Patel Timme Gowda of Agara village in the Bangalore Taluk.

On returning the enclosures received with the above, has the honour to forward the Proceedings connected with the complaint referred to by the petitioner together with the records in Miscellaneous Cases Nos. 29 and 62 of 1887 and 1888 respectively, on the file

of the District Magistrates' Court.

Dy Commissioner.

Before the Government of His *Highness* the Maharaja of Mysore.

13

Appeal No. 208 of 1889/90

Appellant. L.R. Vs. 57-88 Respondent

824

Timmaiyan Devdas
Patil of Agara
Bangalore Taluk.

Dated Bangalore 4th July 1889

Decision.

The appellant in this case is the Patel of Agara Village, Hengeri Hobli of Bangalore Taluk. He was accused of having unauthorizedly felled a tree that stood on a Circar land and of having feloniously removed certain stone pillars of a Government Mantap. The Amildar of Bangalore held an enquiry on the revenue side and submitted the proceedings to the Deputy Commissioner, who, by an Order dated 2nd February 1889, fined the appellant in the sum of Rs. 25 and further directed him to pay Rs. 5 as the value of the tree and stones removed. Against this Order the present appeal has been preferred.

The Order of the Deputy Commissioner is very brief. It simply states that the appellant is to blame and is therefore fined. Where, as in this case, a responsible Village Officer like the Patel is accused of the very serious offence of theft or misappropriation of Government property, it is necessary, for the ends of justice, that the accused should be prosecuted criminally before the proper tribunal; but instead of

and so forth

19

with such pleasure, the matter was dealt with
summarily as a miscellaneous revenue proceeding,
and disposed of by an Order which does not set
forth clearly either the facts proved or the findings
arrived at in respect of the specific charges preferred
against the accused.

On a perusal of the evidence recorded in this case
it is observed, that the alleged removal of the tree
and stone took place nearly 3 years ago, and that
the matter was brought to the notice of the Guildar,
by one Hari Hirima more than a year after the
alleged commission of the offence - The facts elicited,
during the cross examination of the Complainant
and his witnesses, and the records of certain criminal
cases filed in this case show that there are
two factions in the Village, that the Complainant
is not on good terms with the accused and that
some of the principal witnesses for the prosecution
have either instituted complaints or given evidence
against the accused - If, as alleged by these witnesses,
they had actually witnessed the removal of the
tree and stone and had reason to suspect that the
removal was unauthorized and fraudulent, it is
not stated satisfactorily explained why no complaint
was made forthwith - The evidence is not only dis-
crepant and conflicting but the character of the
witnesses is also such as is calculated to destroy
their credit altogether - Under these circumstances,
His Highness Government is unable to uphold
the Deputy Commissioner's Order, which is hereby

reversed

B. (3)
1889

From the Secretary

To The Deputy Commr
Bangalore

Dated 4 July 1889

No 2654 & 127

Dewan's Office

Proof to be sent

15

reverse of the fine and the value of the
Proceeds will be refunded to appellant

A Thumboo Chetty
Mahendrakar
Councillors

Cw 2654 & VP
127

To
The Deputy Commr Bangalore
returning Proceedings
Endorsement to appellant.

HH

LR 51-883

No. 208

OFFICE OF THE DEWAN OF MYSORE,

9/7/89 18 .

Appellant. Vs. LR. 51-88 Respondent.

Timmay Gowda, Patail of Agara in the Kengeri Hobli, Bangalore taluk.

Endorsement.

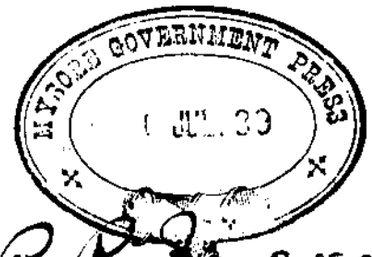
In reply to his appeal Petition, dated the 24th April 1889, Mr. Sooberya Moodeliar, advocate for the appellant is informed that the Deputy Commissioner's order under appeal, is reversed, and the fine and the value of the trees &c; if recovered, are ordered to be refunded to the appellant. Petitioners are returned. Rs

Draft

Ent. Lang

Draft

(2)



P. R. No. 352

Revenue Office

Despatched
9/7/89

LR 51-88-4

P.48

18 (General Serial No. 5)

1889

OFFICE OF THE DEWAN OF MYSORE
4100
27 AUG 89
349

From The Dy Commissioner Bangalore District

LR 57-88

To The Chief Secretary to the ~~Dewan~~ Govt of Mysore.

Dated 26th August 1889.

Despatched

Received

Enclosures No. 1 Ver: Papers.

General No.

No. 391.

Has the honor to forward a bill No 94 for Rs: 30/, being the amount of refund to be granted to the Patel of Agara village, Bangalore Talk, for reasons given in the bill.

Received
Dy Commissioner

With Vernacular papers

Letters to Sattoor

Rly

Commissioner

(General Serial No. 30.)

19 188.

From

To Rg S/Circle
Bang: Distt.

Dated 3d Septr 88
Despatched 5
Received

Enclosures No. V to

General No. 4407
No. 230

His docket No. 391 dated 26th Ult. forwarding a bill No. 94 for Rs 30/= being the amount of refund to be granted to the Patel of Agara Village, Bangalore Talukh -

Sanctioned. Papers returned.
By order.

Sd
Under Secy.

4408
246

Copy to Comptroller with Bill.